

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS <u>SCOTT BORDIGNON</u> <u>2130 EAST 8TH AVENUE</u> <u>VANCOUVER, BC V5N 1V5</u>	DEFENDANTS <u>EASTERN UNIVERSITY</u> <u>1300 Eagle Road</u> <u>St. Davids, PA 19087</u>
(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant <u>MONTGOMERY</u> (IN U.S. PLAINTIFF CASES ONLY)
(c) Attorneys (Firm Name, Address, and Telephone Number) <u>GRAHAM BAIRD</u> <u>1500 JFK, STE 1240</u> <u>PHILA, PA 19102 267.546.0131</u>	Attorneys (If Known) _____ NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

ORIGIN (Place an "X" in One Box Only) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another District (specify) _____ <input type="checkbox"/> 6 Multidistrict Litigation	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>42 U.S.C. § 2000e-1</u>
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VI. CAUSE OF ACTION	Brief description of cause: <u>EMPLOYMENT DISCRIMINATION</u>
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$ <u>< 150,000</u>	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____ DOCKET NUMBER _____
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DATE <u>9/14/16</u>	SIGNATURE OF ATTORNEY OF RECORD <u>[Signature]</u>
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RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
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SEP 16 2016

TON

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

BORDIGNON

CIVIL ACTION

v.

16

4971

EASTERN UNIVERSITY

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ☒ ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

9/15/16
Date

GRAHAM BAIRD
Attorney-at-law

SCOTT BORDIGNON
Attorney for

267.546.0131

215.923.5951

GrahamB@ericsore.com

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

SEP 16 2016

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2130 EAST 8TH AVENUE, VANCOUVER, BC V5N 1V5
 Address of Defendant: 1300 EAGLE ROAD ST. DAVIDS, PA 19087 **16** **4971**
 Place of Accident, Incident or Transaction: EASTERN U. ST. DAVIDS
 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
 (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
 Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
 Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
 Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
 Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
 (Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
 (Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/15/16

Attorney-at-Law

Attorney I.D.#

1. Plaintiff, Scott Bordignon (hereinafter “Plaintiff”) is an adult individual and Canadian citizen residing at the above address. Defendant is a citizen of British Columbia, Canada.
2. Defendant, Eastern University (hereinafter “Defendant”) is a non-profit corporation organized by and operating under the laws of the Commonwealth of Pennsylvania and having a corporate headquarters at the above captioned address. Defendant is a citizen of Pennsylvania.
3. Defendant qualifies as Plaintiff’s “employer” pursuant to Title VII of the Civil Rights Act of 1964, the Immigration Reform and Control Act of 1986, and the Pennsylvania Human Relations Act (“PHRA”).
4. Plaintiff has exhausted his administrative remedies pursuant to the Equal Employment Opportunity Act and the Pennsylvania Human Relations Act. (See Exhibit A, a true and correct copy of a “right-to-sue” letter issued by the Equal Employment Opportunity

Commission and her dual filing certification with the Pennsylvania Human Relations Commission).

5. This action is instituted pursuant to Title VII of the Civil Rights Act of 1964, the Immigration Reform and Control Act of 1986, the Pennsylvania Human Relations Act, and applicable federal law.

6. Jurisdiction is conferred by 28 U.S.C. §§ 1331 and 1343.

7. Supplemental jurisdiction over the Plaintiff's state law claims is conferred pursuant to 28 U.S.C. § 1367.

8. Pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2), venue is properly laid in this district because Defendant conducts business in this district, and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district. Plaintiff was attempting to secure employment with Defendant in the Eastern District of Pennsylvania at the time of the conduct giving rise to Plaintiff's claims as set forth herein.

II. Operative Facts.

9. On or about June 5, 2015, Plaintiff applied for employment as an assistant athletic trainer with Defendant.

10. Plaintiff is a Canadian national and was employed for several years in the United States with permission. (A true and correct copy of Plaintiff's resume is attached hereto as Exhibit "B".) Plaintiff had applied for and received an H1-B visa.

11. During Plaintiff's initial interview, he explained his immigration status and the fact that he would require sponsorship from Defendant for the H1-B Visa.

12. Subsequent to the interview, Plaintiff was offered the assistant athletic trainer position and Plaintiff accepted.

13. Plaintiff immediately contacted the human resources department and discussed his Visa sponsorship.

14. Defendant, by and through its agents and employees, explained that Plaintiff should not be concerned and that there was no doubt the sponsorship for an H1-B Visa was being processed.

15. Plaintiff then relocated to Delaware County, Pennsylvania from Washington, D.C.

16. Immediately prior to the beginning of the Fall 2015 semester, Plaintiff was called into a meeting with the Human Resources Director to discuss his immigration status and the processing of the Visa paperwork.

17. The Human Resources Director then, for the first time, advised the Plaintiff that Defendant was not certain whether Defendant would be able to process or sponsor Plaintiff. HR explained that an H1-B Visa for a member of the faculty would be sponsored but not staff.

18. Defendant's HR Director inquired as to whether Plaintiff was teaching courses or whether he would qualify as adjunct faculty.

19. The Human Resources Director advised that were Plaintiff a member of the faculty, Defendant would sponsor the Visa, and she further advised that she would investigate the situation.

20. Plaintiff then discussed his immigration and citizenship issues with John Post, Head Athletic Trainer for Defendant and Nate Stewart, the Athletic Director for Defendant.

21. Plaintiff was reporting to Post and Stewart for his position.

22. Plaintiff explained to Post and Stewart that he was very concerned about his Visa status and needed sponsorship in order to remain in the United States and to work legally.

23. Plaintiff advised that he could pay for the attorneys fees and filing costs involved in the effort to obtain the Visa and even offered to have his wages garnished to cover any fees or costs associated with obtaining the Visa.

24. After approximately one month of discussing how to handle the sponsorship process, Plaintiff was fired.

25. Plaintiff would have been the only Canadian working at Eastern University.

26. Defendant's Vice-provost, Bettie Ann Brigham in discussing Defendant's decision to terminate Plaintiff stated "why would we go above and beyond for one person?"

27. There is nothing extraordinary or "above and beyond" about sponsorship of Mr. Bordignon's visa.

28. Plaintiff's visa expired and he now resides in Canada.

29. Defendants' primary motivations for terminating Plaintiff was the fact that he was Canadian and not a naturalized citizen.

30. Defendant hired a natural born citizen to replace Plaintiff as an assistant athletic trainer.

31. Immediately upon discovering Plaintiff's immigration status and national origin, Defendant was hostile to the sponsorship of Plaintiff's visa and ultimately terminated his employment without any legitimate reason.

32. As a direct and proximate result of Defendant's conduct in terminating Plaintiff, Plaintiff sustained great economic loss, future lost earning capacity, lost opportunity, loss of future wages, costs incurred as a result of being forced to relocate and return to Canada as well emotional distress, humiliation, pain and suffering and other damages as set forth below.

III. Causes of Action.

COUNT I TITLE VII CLAIM—THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C.A. § 2000e et seq)

33. Plaintiff incorporates paragraphs 1-32 as if fully set forth at length herein.

34. At all times material hereto, and pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C.A §2000e, et seq., an employer may not discriminate against an employee on the basis of national origin or immigration status.

35. Plaintiff is a qualified employee and person within the definition of Title VII of the Civil Rights Act of 1964, 42 U.S.C.A §2000e, et seq.,.

36. Defendant is an “employer” and thereby subject to the strictures of Title VII of the Civil Rights Act of 1964, 42 U.S.C.A §2000e, et seq.,.

37. At all times material to her termination, Plaintiff is Canadian, as described above.

38. Defendant’s conduct in terminating Plaintiff’s employment is an adverse action, was taken as a result of his national origin and immigration status and constitutes a violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C.A §2000e, et seq.,.

39. As a proximate result of Defendant’s conduct, Plaintiff sustained significant damages, including but not limited to: great economic loss, future lost earning capacity, lost opportunity, loss of future wages, loss of front pay, loss of back pay, forced relocation costs, as well as emotional distress, mental anguish, humiliation, pain and suffering, consequential damages and Plaintiff has also sustained work loss, loss of opportunity, and a permanent diminution of his earning power and capacity and a claim is made therefore.

40. As a result of the conduct of Defendant’s owners/management, Plaintiff hereby demands punitive damages.

41. Pursuant to the Title VII of the Civil Rights Act of 1964, 42 U.S.C.A §2000e, et seq, Plaintiff demands attorneys fees and court costs.

COUNT II
VIOLATION OF THE PENNSYLVANIA HUMAN RELATIONS ACT
(43 P.S. § 955 et seq)

42. Plaintiff incorporates paragraphs 1-42 as if fully set forth at length herein.

43. At all times material hereto, and pursuant to the Pennsylvania Human Relations Act, 43 P.S. § 951, et seq, an employer may not discriminate against an employee on the basis of immigration status or national origin.

44. Plaintiff is a qualified employee and person within the definition of Pennsylvania Human Relations Act, 43 P.S. § 951, et seq,.

45. Defendant is an “employer” and thereby subject to the strictures of the Pennsylvania Human Relations Act, 43 P.S. § 951, et seq,.

46. At all times material to her termination, Plaintiff is Canadian subject to an H1-B work visa, as described above.

47. Defendant’s conduct in terminating Plaintiff is an adverse action, was taken as a result of his nationality and immigration status and constitutes a violation of the Pennsylvania Human Relations Act, 43 P.S. § 951, et seq,.

48. As a proximate result of Defendant’s conduct, Plaintiff sustained significant damages, including but not limited to: great economic loss, future lost earning capacity, lost opportunity, loss of future wages, loss of front pay, loss of back pay, forced relocation costs as well as emotional distress, mental anguish, humiliation, pain and suffering, consequential damages and Plaintiff has also sustained work loss, loss of opportunity, and a permanent diminution of his earning power and capacity and a claim is made therefore.

49. As a result of the conduct of Defendant's owners/management, Plaintiff hereby demands punitive damages.

50. Pursuant to the Pennsylvania Human Relations Act, 43 P.S. § 951, et seq, Plaintiff demands attorneys fees and court costs.

V. Relief Requested.

WHEREFORE, Plaintiff Scott Bordignon demands judgment in his favor and against Defendant, Eastern University in an amount not in excess of \$150,000.00 together with:

- A. Compensatory damages, including but not limited to: back pay, front pay, past lost wages, future lost wages. Lost pay increases, lost pay incentives, lost opportunity, lost benefits, lost future earning capacity, injury to reputation, mental and emotional distress, pain and suffering
- B. Punitive damages;
- C. Attorneys fees and costs of suit;
- D. Interest, delay damages; and,
- E. Any other further relief this Court deems just proper and equitable..

LAW OFFICES OF ERIC A. SHORE, P.C.

BY: 

GRAHAM F. BAIRD, ESQUIRE

Two Penn Center
1500 JFK Boulevard, Suite 1240
Philadelphia, PA 19110

Attorney for Plaintiff, Scott Bordignon

Date: 9/14/16

EXH. A



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Philadelphia District Office

801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
(215) 440-2602
TTY (215) 440-2610
FAX (215) 440-2632, 2848 & 2604

Our Reference: EEOC Charge No. 530-2016-00069
Scott Bordignon v. Eastern University

Mr. Scott Bordignon
126 W. Lancaster Ave, Unit 2
Wayne, PA 19087

Dear Mr. Bordignon:

This is with reference to your correspondence and subsequent communication with this office in which you alleged employment discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended, by the above-named Respondent.

Review of the available evidence does not establish a violation of the statute(s). This does not certify that Respondent is in compliance with the statutes. While we fully understand that the parties to a charge often have very firm views that the available evidence supports their respective positions, our final determinations must comport with our interpretations of the available evidence and the laws we enforce. For this reason, we will issue you a Dismissal and Notice of Rights, which will enable you to file suit in U.S. District Court within 90 days of your receipt of that Notice if you wish to pursue this matter further.

Should you wish to obtain a copy of the administrative file for this charge, please write to the following address to make such a request. You must do so within the above-referenced 90-day period, which can be extended if you do file a lawsuit in court concerning this matter. Please be advised that there may be a fee if you make such a request for file disclosure. Furthermore, please note that failure to receive requested documents in a timely manner does not extend the time period for filing a lawsuit.

File Disclosure Unit
EEOC-Philadelphia District Office
801 Market St., Suite 1300
Philadelphia, PA 19107

We regret that we could not be of further service to you in this matter.

Sincerely,

6/20/16
Date

Michaela McGlynn
Investigator

CC: Graham F. Baird, Esq.
LAW OFFICES OF ERIC A. SHORE
Two Penn Center
1500 JFK Boulevard, Suite 1240
Philadelphia, PA 19102

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Scott Bordignon**
126 W. Lancaster Avenue
Unit 2
Wayne, PA 19087

From: **Philadelphia District Office**
801 Market Street
Suite 1300
Philadelphia, PA 19107



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2016-00069

Legal Unit,
Legal Technician

(215) 440-2828**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Spencer H. Lewis, Jr.,
District Director

6/20/16

(Date Mailed)

Enclosures(s)

cc: **Craig D. Ginsburg**
LEVIN LEGAL GROUP, P.C.
1301 Mason Mill Business Park
1800 Byberry Road
Huntingdon Valley, PA 19006

Graham F. Baird, Esq.
LAW OFFICES OF ERIC A. SHORE
Two Penn Center
1500 JFK Boulevard, Suite 1240
Philadelphia, PA 19102

EXH. B

Scott A. Bordignon, MS, ATC, CSCS

Phone: 610-908-9614

scottbordignon@gmail.com

Current:

9 S Street NW,
Apt. B
Washington, DC 20001

Permanent:

2130 East 8th Ave
Vancouver, B.C.,
V5N 1V5

Education

Temple University, Philadelphia, PA

Master of Science: Athletic Training, May 2013

Research project: Evaluating the Clinical Dynamic Visual Acuity Test in a Young, Healthy Population

Eastern University, St. David's, PA

Bachelor of Arts: Athletic Training, May 2011

Cabrini College, Radnor, PA

Bachelor of Science: Exercise Science and Health Promotion, May 2008

Clinical Experience:

Marymount University, Arlington, VA

Head Athletic Trainer

August, 2014 – Present

- Responsible for 17 varsity sports
- Managing two assistant athletic trainers, three student athletic trainers, & four student workers
- Managing all Sports Medicine driven programs – Drug Testing, MD/DO appointments
- Responsible for the Sports Medicine budget as well as all Sports Medicine orders
- Developing relationships with allied health care professionals (e.g. physical therapist, representatives, etc.)
- Responsible for research and discussion for new Electronic Medical Records software
- Develop new policies for Student Health Center and relationship between SHC and Athletic Training
- Preceptor for George Mason University's Athletic Training Education Program

Assistant Athletic Trainer

August, 2013 – July 2014

- Responsible for men's soccer, basketball, & lacrosse
- Institutional drug testing chairperson and coordinator
- Coordinator for MD/DO coverage and Doctor's Hours, as well as athlete referrals to specialists
- Preceptor for George Mason University's Athletic Training Education Program

Temple University, Philadelphia, PA

August, 2011 – June 2013

- Graduate assistant athletic trainer responsible for men's & women's gymnastics including coordination of all care for entire gymnastics program including acute and medical care, rehabilitation & treatments
- Organizational skills in documentation and office administration and insurance processing
- Preceptor for Temple University undergraduate athletic training education program
- Graduate athletic trainer working with football training camp (2011)

Philadelphia Wings, Philadelphia, PA

January 2009 – April 2011

- Volunteer athletic training student with Philadelphia's professional indoor lacrosse team.
- Responsible for practice and game set up, tapings, and treatments.

Kansas City Chiefs, Kansas City, MO

July 2010 – September 2010

- Summer training camp intern assisting with rehabilitation program, treatment sessions, pre practice and game preparation and set up, and assisting with all other athletic training duties.
- Responsible for mouth guard making and maintenance of mouth guard kit for all athletes.

Student Experience:

Eastern University, St. David's, PA
Bryn Mawr College, Bryn Mawr, PA
Haverford College, Haverford, PA
Valley Forge Military Academy & College, Radnor, PA
Villanova University, Villanova, PA
North Penn High School, Lansdale, PA
Malvern Preparatory School, Malvern, PA

January 2011 – May 2012
September 2010 – December 2010
January 2010 – May 2010
January 2010 – May 2010
August 2009 – December 2009
January 2009 – May 2009
August, 2008 – December, 2008

Certifications

NATABOC #2000006599
Certified Athletic Trainer – National Athletic Trainers Association #39840
Licensed Athletic Trainer – Virginia State #0126002133
NPI # 1477973360
Certified Strength and Conditioning Specialist – National Strength & Conditioning Association
American Heart Association CPR/AED for the Healthcare Provider
OSHA Bloodborne Pathogen Standard Training

References

Chelsie Morehead
Assistant Athletic Trainer
Temple University
Philadelphia, PA

Phone: 209-914-4276
chelsiemorehead@yahoo.com

Blair Becker
Sports Medicine Fellow
Fairfax Family Practice
Fairfax, VA

Phone 206-734-7992
blair.becker@gmail.com

Debra Warren
Athletic Director
Marymount University
Arlington, VA

Phone: 205-535-0374
dspbwarren@gmail.com

Jimmy Ntelekos
First Assistant Athletic Trainer
Kansas City Chiefs
Kansas City, MO

Phone: 913-523-5917
jntelekos@gmail.com

Doug Horton
Clinical Coordinator
Eastern University
St. David's, PA

Phone: 484-919-1665
dhorton@eastern.edu